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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,817	08/17/2001	Timothy J. Dupuis	75622.P0043	7013

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EXAMINER

SHINGLETON, MICHAEL B

ART UNIT PAPER NUMBER

2817

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09-932,817

Applicant(s)

Dupuis

Examiner

SHINGLETON

Group Art Unit

2817

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 10-30-2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-24 ☒ are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 8, 9, 13-17, 20 and 21 ☒ are rejected.
- ☒ Claim(s) 2-7, 10-12, 18-19 and 22-24 ☒ are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 347
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Election/Restrictions

Applicant's election of Species II in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

Claim 7 is objected to because of the following informalities: Claim 7 is dependent upon claim 1 and refers to the divider of claim 1, however, claim 1 does not have a divider. It is clearly apparent that the dependency of claim 7 is incorrect and was meant to be that of claim 6 instead of claim 1 for claim 6 is the first time a divider is claimed. Accordingly for examining purposes the dependency of claim 7 will be assumed to be that of claim 6 and not claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, 9, 13-17, 20 and 21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kashima 6,069,528 (Kashima).

Figure 1 of Kashima discloses a circuit and method for “protecting” devices in an RF power amplifier and a method of controlling an RF power amplifier. This circuit/method includes providing a peak detector, elements 3 and 4 that are connected to a RF power amplifier 1. This peak detector clearly detects a peak voltage at a first node of the power amplifier, i.e. the output of the power amplifier. This

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circuit/method disclosed by Kashima also includes providing for power control circuitry 7. This control circuitry 7 is coupled to the peak detector and the power amplifier as is clearly illustrated by Figure 1 of Kashima. This power control circuitry also controls the gain of the power amplifier (See column 3, lines 37-63). This control circuitry does this by determining whether the detected peak voltage is higher than a threshold voltage provided by elements 8 and 9. If this detected voltage is higher than the threshold voltage then the gain of the power amplifier is decreased. This limits the power output of the amplifier. If this detected voltage is lower than the threshold voltage then the gain of the power amplifier 1 is increased. Again see column 3, lines 37-63. The coupler 2 “detects” the output power of the RF power amplifier 1 as read in light of the specification. Note the sentence bridging pages 6 and 7 of the specification. Here applicant states: “[a] power detector, such as (a) directional coupler 112, is used to detect the output power.” Also this directional coupler 2 of Kashima is clearly illustrated in Figure 1 of Kashima as being coupled to the output of the power amplifier and the control circuitry 7.

Claims 2-7, 10-12, 18-19 and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Note that claim 7 is seen as being dependent upon claim 6 rather than claim 1 as indicated above. The prior art of record fails to disclose the use of two peak detectors in the claimed arrangement/method that employs a power amplifier and a power control circuit.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Loh et al. US 5,646,578 discloses a similar power control device to Satoh 5,880,635 of record. Kaseya JP 03128513A and Huang et al. (IEEE article) both disclose an amplifier whose gain is controlled.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael B. Shingleton whose telephone number is 703-308-4903. The examiner can normally be reached on Monday-Thursday from 8:00 to 4:30. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal, can be reached on (703) 308-4909. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

MBS
July 23, 2003


MICHAEL B SHINGLETON
PRIMARY EXAMINER
GROUP PART I UNIT 2817